

# O'HAGAN|MAYER

Leslie Paul Machado  
Direct: 703.775.8607  
lmachado@ohaganmeyer.com

January 18, 2021

**VIA ECF**

Hon. Gina L. Sims  
United States Magistrate Judge  
United States District Court for the District of Maryland  
6500 Cherrywood Lane  
Greenbelt, Maryland 20770

**RE: *Noel, et al. v. PACCAR Financial Corp, et al.*, No. 8:18-cv-03936-GLS**

Your Honor:

This firm represents Last Lap Recovery LLC, which was added to this lawsuit as a defendant through the filing of the Second Amended Complaint (ECF No. 51). This letter is being submitted pursuant to the Court's November 19, 2019 letter order (ECF No. 19).

On January 4, 2021, plaintiffs filed their Third Amended Complaint (ECF No. 68). Despite having the benefit of correspondence from defendants alerting plaintiffs to the many pleading deficiencies in their Second Amended Complaint, the plaintiffs' third attempt at pleading viable claims is as deficient as their prior attempts.

As such, Last Lap intends to file a motion to dismiss for failure to state a claim. The reasons for the motion are set forth in the pre-motion submission made by Bell & Williams Associates, Inc. (ECF No. 70). Rather than repeat those arguments here, Last Lap hereby joins in and adopts those arguments. And because plaintiffs have had three chances to plead facts evidencing viable claims, and have failed to do so, the complaint should be dismissed with prejudice. *See, e.g., Phillips v. Maryland*, No. 8:19-cv-00653, 2019 WL 679039, at \*4 (D. Md. Dec. 11, 2019) (Xinis, J.) ("Phillips has already attempted to plead a plausible claim twice. Indeed . . . Phillips knew precisely the deficiencies she needed to cure in the Amended Complaint but failed to do so. Thus, the Court finds that granting an additional opportunity to amend would be fruitless. The Court dismisses the Amended Complaint with prejudice").

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Very truly yours,

*/s/ Leslie Paul Machado*

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cc: Counsel of Record (via CM/ECF)